

## HANDOUT NUMBER 1

### PROPOSED REVISED DEFINITION OF “POSTCONSUMER MATERIAL” & RELATED SECTIONS

May 17, 2011 RPPC Workshop  
(For discussion purposes only)

**Section 17943 Purpose and Definitions** (changes shown in double underline and double strikeout on 45-day comment period regulation section)...

(23m) “Postconsumer Material” means a material that would otherwise be destined for solid waste disposal, having completed its intended end-use and product life cycle. ~~Postconsumer material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.~~

(1) Rigid plastic packaging containers holding obsolete or unsold products and post-industrial scrap that is commonly disposed, and not commonly reused within an original manufacturing process, shall be considered postconsumer material when used as feedstock for new products rigid plastic packaging containers or the alternative compliance method in Section 17944.1 .

~~Internally generated scrap that has been commonly disposed may be considered postconsumer material if it is later used in a process other than the original manufacturing and fabrication process.~~

(2) Finished plastic packaging that has been rejected by a container or product manufacturer, and that has been commonly disposed, may be considered postconsumer material if it is later used in a process other than the original manufacturing and fabrication process.

(3) Postconsumer material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

**Section 17945.3 Product Manufacturer Certification Information** (changes shown in double underline and double strikeout on 45-day comment period regulation section)...

(d) Alternative Method Container Compliance Information

(1) A product manufacturer claiming compliance based on the consumption of postconsumer material through its own actions or another company under the same corporate ownership, as specified in Section 17944.1 (a), shall submit to the Department ~~Board~~ the following information:

(A) The advertised brand name or product line of the product in the rigid plastic packaging containers;

(B) A description (i.e., jar, bottle, clamshell, etc.) of each rigid plastic packaging container and its associated product type or brand name, capacity or size, and the resin type. The capacity or size must be expressed in the same unit that is used on the container label. For products that are sold based on weight or a numeric count, the size shall be reported on an equivalent fluid volume basis;

(C) The number of rigid plastic packaging containers for each brand name or product type sold or offered for sale during the measurement period;

(D) The weight, in grams, of each rigid plastic packaging container or product sold during the measurement period;

(E) The weight, in grams, of postconsumer material purchased in California and used in the manufacture of rigid plastic packaging containers or other plastic products or plastic packaging not subject to this Article;

(F) Names, contact persons, addresses, and phone numbers of the container manufacturers or suppliers of the California postconsumer material;

(G) The percentage of postconsumer material used in rigid plastic packaging containers or other plastic products or plastic packaging;

(H) Copies of the container manufacturer certification and information pursuant to Section 17945.4 for any regulated rigid plastic packaging containers using postconsumer material;

(I) An indication whether the container data is based on sales in California or nationally; and

(J) If compliance is sought through the use of postconsumer material as defined in Section 17943 (m)(1) and (2) the following additional documentation is needed to support the source and amount of obsolete or unsold rigid plastic packaging containers and/or rejected finished plastic packaging. The documentation shall contain, at a minimum the following:

i. Contact information for the supplier of the plastic(s).

ii. Total weight, in grams, of the plastic received.

iii. Date of receipt of plastic.

iv. Description of the material being claimed as postconsumer. This description shall include, but is not limited to:

1. The type of plastic resin.

2. The form material was received (baled, flaked, regrind, etc.).

3. The product bar codes, Stock Keeping Unit (sku), or other description of the plastic material that verifies that the plastic was made up of obsolete or unsold rigid plastic packaging containers and/or rejected finished plastic packaging.

(K) Any other information the Department ~~Board~~ determines is necessary to verify compliance.

(2) A product manufacturer claiming compliance based on the consumption of postconsumer material through contractual arrangement, as specified in Section 17944.1 (b), shall submit to the Department ~~Board~~ the following information:

(A) The advertised brand name or product line of each rigid plastic packaging container;

(B) A description (i.e., jar, bottle, clamshell, etc.) of each rigid plastic packaging container and the product type or brand name, capacity or size, and resin type. The capacity or size must be expressed in the same unit that is used on the rigid plastic packaging container label. For products that are sold based on weight or a numeric count, the size should be reported on an equivalent fluid volume basis;

(C) The number of rigid plastic packaging containers for each brand name or product type sold or offered for sale during the measurement period;

(D) The weight, in grams, of each rigid plastic packaging container sold during the measurement period;

(E) The total weight, in grams, of California postconsumer material exported to another state during the measurement period;

(F) The total weight, in grams, of postconsumer material purchased from California sources for use in the manufacture of a rigid plastic packaging container or other plastic products or plastic packaging;

(G) The names of contractors, contact persons, addresses, phone numbers, and a copy of the contractual agreement for the purchase and consumption of postconsumer material generated in California to be exported to another state for the manufacture of rigid plastic packaging containers or other plastic products or plastic packaging;

(H) The names, contact persons, addresses, and phone numbers of the supplier of California postconsumer material;

(I) The total weight, in grams, of postconsumer material purchased from California suppliers for the purpose to be exported to another state or country for the manufacture of rigid plastic packaging containers or other plastic products or plastic packaging;

(J) The names, contact persons, addresses, and phone numbers of the product manufacturers the California postconsumer material was exported to;

(K) Documentation from the product manufacturer that the California postconsumer material was used in the manufacture of rigid plastic packaging containers or other plastic products or plastic packaging during the measurement period; and

(L) Any other information the Department ~~Board~~ determines is necessary to verify compliance. ...

**Section 17945.4. Container Manufacturer Certification Information** (changes shown in double underline and double strikeout starting with 45-day proposed revised regulation section)

Container manufacturers shall provide, at a minimum, the following information:

(a) The container manufacturer's name, mailing address, and telephone number, and the name and title of the person responsible for supplying the required information;

(b) The name, address, and telephone number of the product manufacturer at whose behest the container manufacturer is completing the certification form and the name and title of the person representing the product manufacturer that requested completion of a container manufacturer certification form;

(c) To document postconsumer material content, state the following:

(1) The size or type of each rigid plastic packaging container;

(2) The total weight, in grams, of each rigid plastic packaging container; ~~and~~

(3) The weight, in grams, of postconsumer material used to manufacture the specified rigid plastic packaging containers; ~~and~~

(4) If compliance is sought through the use of postconsumer material as defined in Section 17943 (m)(1) and (2), the following additional documentation is needed to support the source and amount of obsolete and/or unsold rigid plastic packaging containers or rejected finished plastic packaging. The documentation shall contain, at a minimum the following:

i. Contact information for the supplier of the plastic(s).

ii. Total weight, in grams, of the plastic received.

iii. Date of receipt of plastic.

iv. Description of the material being claimed as postconsumer. This description shall include, but is not limited to:

1. The type of plastic resin.

2. The form material was received (baled, flaked, regrind, etc.).

3. The product bar codes, Stock Keeping Unit (sku), or other description of the plastic material that verifies that the plastic was made up of obsolete or unsold rigid plastic packaging containers and/or rejected finished plastic packaging.

(d) To document source reduction that was achieved by a reduction in rigid plastic packaging container weight, state the following:

(1) The size or type of rigid plastic packaging container; and

(2) The weight in grams of each size or type of rigid plastic packaging container before and after source reduction occurred.

(e) Any other information the Department ~~Board~~ determines is necessary.

(f) If the container manufacturer is a corporation, the certification must be signed under penalty of perjury by the president or other head of the corporation, a vice president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or other such person authorized by the corporation to accept service of process. If the container manufacturer is a partnership or sole proprietorship, the certification must be signed by a general partner or the sole proprietor. The signature shall be according to the following format:

**“I certify under penalty of perjury under the laws of the State of California that the foregoing and all supporting data supplied is true and correct.”**

**(Date)**\_\_\_\_\_ **(Signature)**\_\_\_\_\_ **(Title)**\_\_\_\_\_

Authority cited: Sections 40502 and 42325, Public Resources Code.

Reference: Sections 42310, 42320, and 42325, Public Resources Code.